IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40843 of 2008
VIJAY SINGH
Versus
STATE OF BIHAR
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2. 23.10.2008 Heard Mr. Manish Kumar no.3, learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P.

The petitioner is in custody since 6.2.2004 in a case under section 364 of the Indian Penal Code and the allegation is that he abducted the victim for extorting ransom of Rs.10 lacs.

The Court is not inclined to enter into the merits of the allegation because the prayer for bail of the petitioner was dismissed thrice. The Court is worried about the approach of the learned Trial Judge in such a matter. A Trial Judge knows that an accused is presumed to be an innocent and that right is recognized as a human right which may not be an enforceable right, but nevertheless a valuable right. The Court could further find that loss of years one could have suffered on account of having spent in the prison, besides the feelings of pang which one could have on account of being separated from his family and near and dear ones, could not be compensated even by an order of acquittal recorded by a Criminal Court as its final verdict. The Criminal Court could not award compensation for incompetently and unjustifiably remaining the accused inspite of there being a provision under the Code of Criminal Procedure and these circumstances could probably catalyse the court to make an introspection to search out the ways and means so as to delivering

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justice to the petitioner in a further period of nine months from the date of receipt/production of a copy of the present order. I could guide the could below by pointing out to it to look to the provision of section 170(2) of the Code of Criminal Procedure and the decision in the case of Shailendra Kumar Vrs. State of Bihar reported in AIR 2002 SC 270.

The petition is dismissed.

However, if the trial is not concluded within the said period, the trial court shall itself admit the petitioner to bail to his own satisfaction.

sudip

(Dharnidhar Jha, J)

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